

2024.PHHC:116051



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

SR. No.105

**CRM-M-43818-2024
Date of decision:05.09.2024**

Daler Singh

...Petitioner

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE N.S. SHEKHAWAT

Present: Mr.Harpal Singh, Advocate for the petitioner.
Mr. I.P.S. Sabharwal, DAG, Punjab.
Mr.Vishal Sharda, Advocate for the complainant.

N.S. SHEKHAWAT, J.

1. The present petition has been filed under Section 438 Cr.P.C. with a prayer to grant pre-arrest bail in FIR No.0027 dated 06.03.2024 registered under Sections 324/323/341/506/148/149 IPC (Section 326 IPC added later on) at Police Station, City Patti, District Tarn Taran.
2. The FIR in the present case was registered on the basis of the statement made by Nirvel Singh, Nambardar and the same is reproduced as under:-

“Statement of Nirvel Singh Nambardar son of Surjan Singh son of Nand Singh resident of Lohka aged 64 years, Mobile 9815640466, stated that I am a resident the said address. I am current Namberdar of the village and I have two children one boy and one girl. Both are married. On 04.03.2024 it was time

around 4/04.30pm, I had gone to the Tehsil office Patti for personal work, then Surjit Singh former Namberdar son of Santokh Singh, Daler Singh son of Santokh Singh son of Geja Singh and Santokh Singh son of Geja Singh residents of Lauhka were there, who were in the office of Tehsildar for registration of some sale deed. Surjit Singh, who is a former Namberdar, was witnessing them, then I said him that Surjit Singh, You have been suspended from the post of Namberdari in these days. Therefore, don't spoil someone's case by attesting the sale deed of some person of the village, then he said, I am not suspended. I asked him to show the proof. He did not have any proof, then having altercation with me, we came to the balcony of the Tehsildar office, then Daler Singh immediately called to his village, asking to come to the Tehsildar office quickly with weapons that Nirvel Singh Namberdar have stopped our sale deed. He has to be taught a lesson. I started doing my household work at Tehsil Office, then after about half an hour, Gurjant Singh son of Kabal Singh Armed with Datar, Kabal Singh son of Santokh Singh Armed with small Gandasi, Navkiran Singh son of Surjit Singh ex-Namberdar Armed with Datar came to the O/o Tehsildar. Upon seeing me, Daler Singh raised lalkara that catch hold, today teach a lesson to Nirvel Namberdar for stopping our sale deed. Let him not escape today. Then Gurjant Singh son of Kabal Singh have inflicted two blows with his datar, which hit back side of my right leg below the knee. Navkiran Singh inflicted a datar blow on my person, which hit on my head. Kabal Singh inflicted a gandasi below on my person, which hit on my right leg near first iniury. Surjit Singh Ex-Namberdar has inflicted a dang below on my person by picking up from a cabin nearby. I raised my right arm for protection, then the dang hit on the elbow of right arm. Santokh Singh son of Geja Singh have hurled abuses to me. The blood was oozing from body and I raised alarm to save me, then upon

seeing the people gathering there, the assailants fled away from the spot alongwith their respective weapons, while giving threats to kill. I called my home from someone's phone, then Major Singh son of Atma Singh, Tajinder Singh son of Jarnail Singh, residents of Lauhka came to me on the spot, who after arranging the conveyance got me admitted in Kairon Hospital for treatment, where I am under treatment. Our grudge is that I stopped the Ex-Namberdar Surjit Singh from spoiling the sale deed of some residents of the village, due to that all the above stated in connivance with each other injured me. Legal action may be taken against the above stated. Statement is recorded, hears, is correct. Attested Sd/ Avtar Singh ASI Police Station City Patti, Date 06.03.2024.

3. Learned counsel for the petitioner contends that as per the case set up by the prosecution, initially a fight had taken place between the complainant on one hand and co-accused Surjit Singh and the petitioner on the other hand. Thereafter, the petitioner had allegedly exhorted his co-accused to catch hold the complainant and to teach him a lesson for creating interference in the registration of the sale-deed. Learned counsel further contends that even no injury has been attributed to the present petitioner and only role described to him is that he had exhorted his co-accused to cause injuries to the complainant. He further submits that the main injury, which attracted Section 326 IPC, is attributed to Gurjant Singh.

4. On the other hand, learned counsel for the State assisted by learned counsel for the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner is the main accused, who had called all other accused at the spot and had exhorted the other co-accused to cause injuries to the

complainant and thus, the present petition is liable to be dismissed by this Court.

5. I have heard the learned counsel for the parties and perused the case file with their able assistance.

6. It is not in dispute that the only role attributed to the present petitioner is that he had called other accused at the spot and had exhorted them to cause injuries to the complainant. Still further, the petitioner is the first offender and is not involved in any other criminal activity. Thus, custodial interrogation of the petitioner may not be required at this stage.

7. In view of the above, the present petition is allowed. In the event of arrest, he shall be released on bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C. He shall join the investigation as and when required by the investigating agency.

05.09.2024
mks

(N.S. SHEKHAWAT)
JUDGE

Whether Speaking/Reasoned:	YES / NO
Whether Reportable:	YES / NO